

12.1 Motions to Continue Trial.

- (a) **Content.** Unless excused by the court in an individual case, a motion to continue the trial setting of a criminal case must state facts demonstrating that the ends of justice served by a continuance outweigh the best interests of the public and the defendant in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), or that for some other reason the continuance will not violate the Speedy Trial Act. Unless excused by the court in an individual case, if the defendant is the moving party the motion must be accompanied by the defendant's affidavit or declaration, see 28 U.S.C. § 1746, stating that the defendant:
- (1) was advised by the defense attorney of the reasons for seeking a continuance;
 - (2) understands that the time requested in the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. §§ 3161-3174; and
 - (3) with this understanding and knowledge, agrees to the filing of the motion.
- (b) **Standard.** The court may grant a motion to continue a trial of a criminal case for good cause shown.